

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARSHA JOSLIN,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant

CASE NO. 15-05561-RJB

ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS

THIS MATTER comes before the Court on Defendant's Motion to Dismiss. Dkt. 7. The Court has reviewed the motion, all evidence submitted in support of the motion and the remainder of the file herein. Plaintiff did not file a response. The Court notified Plaintiff, who is pro se, of her right to file opposing briefing to Defendant's motion and of possible consequences of not doing so. Dkt. 7.

Defendant argues that the Court lacks jurisdiction because Plaintiff has failed to exhaust administrative remedies, Dkt. 7, at 6, an argument supported by declaration. *See* Dkt. 7-1. Plaintiff has not rebutted Defendant's assertion. Under 28 U.S.C. § 2675, plaintiffs must exhaust administrative remedies prior filing suit against the federal government. More specifically, the

1 statute provides that “an action shall not be instituted upon a claim against the United States for  
2 money damages for injury or loss of property or personal injury . . . caused by the negligent or  
3 wrongful act or omission of any employee while acting within the scope of his office his office  
4 employment, *unless the claimant shall have first presented the claim to the appropriate Federal*  
5 *agency* and his claim shall have been finally denied by the agency in writing[.]” § 2675(a).

6 In this case, the uncontroverted record plainly shows that Plaintiff failed to exhaust  
7 administrative remedies. See Dkt. 7-1. On that basis, her case should be dismissed. Accordingly, the  
8 Court need not reach the issue of Defendant’s immunity from suit as raised by Defendant.

9 \* \* \*

10 IT IS HEREBY ORDERED that Defendant’s motion to dismiss (Dkt. 7) is GRANTED.

11 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to  
12 any party appearing *pro se* at said party’s last known address.

13 Dated this 21<sup>st</sup> day of September, 2015.

14 

15 ROBERT J. BRYAN  
16 United States District Judge